

January 4, 2017

Federal Election Commission  
Mr. Jeff S. Jordan  
Office of Complaints Examination & Legal Administration  
Attn: Donna Rawls, Paralegal  
999 E Street, NW  
Washington, DC 10463

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[drawls@fec.gov](mailto:drawls@fec.gov)  
[jjordon@fec.gov](mailto:jjordon@fec.gov)

Re: MUR 7131

Dear Mr. Jordan:

ActBlue is in receipt of a complaint filed by Mr. Brian Griset, designated Matter Under Review # 7131 by the Federal Election Commission ("FEC" or "the Commission"), and this response is filed on behalf of ActBlue. For the reasons set forth below, the Commission should find that ActBlue has not and could not have violated the Federal Election Campaign Act of 1971 ("the Act") nor any Commission regulations with respect to this complaint. Therefore, ActBlue respectfully requests that no action be taken against it and the complaint against it be dismissed.

### 1. ActBlue

ActBlue is registered with the Commission as a non-connected federal committee and works to increase grassroots participation in the financing of political campaigns. ActBlue operates and maintains the website [www.actblue.com](http://www.actblue.com), which provides Internet-based tools, including contribution forms for Democratic candidates and committees to solicit and process contributions. ActBlue acts as an intermediary, within the meaning of 2 USC § 441a(a)(8), for individual contributions made on the website to Democratic candidates and committees. ActBlue does not solicit contributions for any candidate or committee other than itself.

### 2. The Complaint

In the complaint, the complainant states that on October 29, 2014, Susan Mayer, a purported staff member of US House Representative Carol Shea-Porter, made a contribution earmarked for a political committee named Senior Votes Count via the ActBlue website. See Complaint, p. 4. The complainant then states his belief that Ms. Mayer made such a contribution in violation of federal law and Congressional regulations. The complainant goes on to opine that the other named respondents to his complaint may have attempted to circumvent such federal laws and congressional regulations by coordinating actions and processing Ms. Mayer's October 29, 2014 contribution through separate organizations in order to hide an illegal contribution.

### 3. ActBlue Forwards Contributor Information to Contribution Recipients

The complaint does not allege that ActBlue violated any specific Act or Commission regulation and in fact, concedes that ActBlue "appears to comply with FEC regulations regarding the reporting of [earmarked] contributions and the collection of employment data for large donations." See, Complaint, p. 24. The complainant merely questions the nature of the contributor information ActBlue forwards to the ultimate recipients of earmarked contributions. See, Complaint, p. 25.

When an individual uses ActBlue to make a contribution earmarked for another committee, he or she is required to enter certain personal information before the contribution can be processed. For any contribution to a federal entity, ActBlue requires contributors to enter his or her employment information or otherwise indicate that they are not employed. After ActBlue processes a contribution for a committee, it forwards the contribution to that committee, along with the personal information that was entered by the contributor.

Any committee using ActBlue as a conduit has access to the personal information that accompanies a contribution, which is provided by the individual contributor who made the contribution. That personal information includes the contributor's name, address, and employer information.

### 4. ActBlue Complied with all Laws and Commission Regulations

On October 29, 2014, ActBlue processed a contribution made by Susan Mayer for Senior Votes Count in the amount of \$3,110.00. The contribution form hosted by ActBlue requires contributors to enter employment information or otherwise select that they are unemployed and Ms. Mayer selected that she was unemployed. ActBlue forwarded that specific contribution, pursuant to 11 CFR § 110.6(c), along with the contributor's employment information as collected at the time the contribution was made, to Senior Votes Count.

None of these facts are in dispute in the complaint, and ActBlue's actions constitute the extent of its legal obligations with regard to this contribution. Complainant speculates at length as to the possible motives of the contributor, but contributor motivation is entirely irrelevant to ActBlue's requirements for acting as an intermediary for a contribution. ActBlue is simply obligated to collect and forward the contributor's information. The complainant explicitly agrees that ActBlue fulfilled all of its obligations with respect to this contribution.

### Conclusion

For the foregoing reasons, the Commission should dismiss the complaint against ActBlue.

Respectfully submitted,



Melissa Flores  
In-House Counsel



FEDERAL ELECTION COMMISSION  
999 E Street, NW  
Washington, DC 20463

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STATEMENT OF DESIGNATION OF COUNSEL  
Please use **one** form for each Respondent/Entity/Treasurer  
FAX (202) 219-3923

MUR # 7131

NAME OF COUNSEL: Me ssa Fores

FIRM: ActB ue (In-House Counse )

ADDRESS: 366 Summer Street, Somerv e, MA 02144

TELEPHONE- OFFICE ( 617 ) 299-8846

FAX (        )        Web Address www.actb ue.com

The above-named individual and/or firm is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

1/4/16  
Date

*En Hiel*  
Respondent/Agent -Signature

Execut ve D rector  
Title(Treasurer/Candidate/Owner)

RESPONDENT: ActB ue  
(Committee Name, Company Name, or Individual Named in Notification Letter)

MAILING ADDRESS: 366 Summer Street, Somerv e MA 02144  
(Please Print)

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Information is being sought as part of an investigation being conducted by the Federal Election Commission and the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) apply. This section prohibits making public any investigation conducted by the Federal Election Commission without the express written consent of the person under investigation